

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 812
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40362-MH-122

Short Title: Nutrient Offset Amendments. (Public)

Sponsors: Representatives White, Bell, McGrady, and Jones (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND AND CLARIFY THE STATUTES GOVERNING THE NUTRIENT
3 OFFSET CREDIT PROGRAM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 143-214.26 reads as rewritten:

6 "§ 143-214.26. Nutrient offset credits.

7 (a) Nutrient offset credits may be purchased to ~~partially~~ offset nutrient loadings to surface
8 waters as required by the Environmental Management Commission. Nutrient offset credits shall
9 be effective for the duration of the nutrient offset project unless the Department of Environmental
10 Quality finds the credits are effective for a limited time period. Nutrient offset projects authorized
11 under this section shall be ~~all of the following~~:

12 (1) ~~Consistent~~ consistent with rules adopted by the Commission for
13 implementation of nutrient management strategies.

14 (2) ~~Located within the same hydrologic area, as defined in G.S. 143-214.11, in~~
15 ~~which the associated nutrient loading takes place.~~

16 (b) A government entity, as defined in G.S. 143-214.11, may purchase nutrient offset
17 credits through either:

18 (1) Participation in a nutrient offset bank that has been approved by the
19 Department if the Department approves the use of the bank for the required
20 nutrient offsets.

21 (2) Payment of a nutrient offset fee established by the Department into the
22 Riparian Buffer Restoration Fund established in G.S. 143-214.21.

23 (c) A party other than a government entity, as defined in G.S. 143-214.11, may purchase
24 nutrient offset credits through either:

25 (1) Participation in a nutrient offset bank that has been approved by the
26 Department if the Department approves the use of the bank for the required
27 nutrient offsets.

28 (2) Payment of a nutrient offset fee established by the Department into the
29 Riparian Buffer Restoration Fund established in G.S. 143-214.21. This option
30 is only available to an applicant who demonstrates that the option under
31 subdivision (1) of this subsection is not available.

32 (d) To offset NPDES-permitted wastewater nutrient sources, credits may only be
33 acquired from nutrient offset projects located in either of the following areas:

34 (1) The same hydrologic area. For purposes of this subdivision, "hydrologic area"
35 means an eight-digit cataloging unit designated by the United States
36 Geological Survey.



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1 (2) A location that is downstream from the source and upstream from the water
2 body identified for restoration under the applicable TMDL or nutrient
3 management strategy.

4 (e) To offset stormwater or other nutrient sources, credits may only be acquired from an
5 offset project located within the same hydrologic area, as defined in G.S. 143-214.11.

6 (f) The permissible credit sources identified in subsections (d) and (e) of this section may
7 be further limited by rule as necessary to achieve nutrient strategy objectives."

8 **SECTION 2.** This act is effective when it becomes law and applies to nutrient offset
9 credits purchased on or after that date.